

## Promotion of Access to Information Act (PAIA) Manual

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# **Process Document, Section 51 Manual Promotion of Access to Information Act (PAIA)**

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## **1. INTRODUCTION**

### **1.1. Overview**

This manual has been compiled in accordance with the Promotion of Access to Information Act No. 2 of 2000 ("the Act"). Section 51 of the Act requires that we as a private body compile a manual giving information to the public regarding the procedures to be followed in requesting information from Bader SA (Pty) Ltd and subsidiary companies for the purpose of exercising or protecting rights.

### **1.2. Scope**

This manual is to assist potential requesters, who intend to obtain documents or records from the company in terms of the Act, by providing the processes to be followed in initiating such requests.

## **2. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

### **2.1. Contact details (Section 51(1) (a) of the Act)**

The Chief Operations Manager (COO) of Bader SA (Pty) Ltd Mr. Robert O'Connell who is, in terms of the Act, tasked to receive and address all requests for information that have been made in accordance with the Act. The COO may delegate his power to a nominated representative of Top and Senior Management wherever required.

All requests for information made in terms of the Act, directed to the company, should be addressed to the Member at:

Head of the body: Mr. Robert O'Connell

Bader SA (Pty) Limited  
P.O. Box 911-875, Rosslyn, 0200  
95 Hendrik van Eck street, Rosslyn, Gauteng Province - South Africa  
Tel : +27 12 797-7100 Fax : +27 12 797-7150  
E-MAIL : [Iliske.Mohr@bader-leather.com](mailto:Iliske.Mohr@bader-leather.com)

Company Registration Number: 1989-070235-07

VAT Registration Number: 4920150333

Head of the Company: Mr. Robert O'Connell

Request Officer: Ms. Iliske Mohr

## **3. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1) (B)**

A guide on how to use the Act has been compiled by the South African Human Rights Commission ("SAHRC"). In terms of Section 10 of the Act, it contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages. Please direct any queries to the address below:

The Guide is available for inspection, inter alia, at the offices of the:

Postal and Physical Address:

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The South African Human Rights Commission  
33 Hoofd Street  
Forum III, Braampark  
Braamfontein  
Johannesburg  
Gauteng  
2041

Telephone: 011 877 3600

Fax: 011 403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za); [info@sahrc.org.za](mailto:info@sahrc.org.za); [complaints@sahrc.org.za](mailto:complaints@sahrc.org.za)

## **4. APPLICABLE LEGISLATION – automatic availability of certain records (section 51 (1) (c))**

The company has not submitted any notice of such records in terms of section 51(1) (c) of the Act.

The following information is available without a request in terms of the Act:

- Newsletters
- Pamphlets / Brochures
- Posters
- Reports
- Marketing and promotional material
- All public information and records on Bader SA (Pty) Ltd.'s website

## **5. SCHEDULE OF RECORDS (section 51 (1) (d))**

### **5.1. Records available in terms of any other legislation**

- Administration of Estates Act 66 of 1965
- Attorneys Act 53 of 1979
- Arbitration Act 42 of 1965
- Auditing Profession Act 26 of 2005
- Banks Act 94 of 1990
- Basic Conditions of Employment Act 75 of 1997
- BBBEE Act 53 of 2003
- Companies Act 71 of 2008
- Close Corporations Act 69 of 1984
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Criminal Procedure Act 51 of 1977
- Customs and Excise Act 91 of 1964
- Co-operatives Act 14 of 2005

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- Copyright Act 98 of 1978
- Currency and Exchanges Act 9 of 1933
- Debt Collectors Act 114 of 1998
- Deeds Registries Act 47 of 1937
- Designs Act 195 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Estate Duty Act 45 of 1955
- Expropriation Act 63 of 1975
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Relations Act 65 of 1976
- Financial Services Board Act 97 of 1990
- Health Professions Act 56 of 1974
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Inspection of Financial Institutions Act 80 of 1998
- Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- Medical Schemes Act 131 of 1998
- Medicines and Related Substances Act 101 of 1965
- Mine Health and Safety Act 29 of 1996
- Mutual Banks Act 124 of 1993
- National Credit Act 34 of 2005
- National Environmental Management Act 107 of 1998
- National Payment System Act 78 of 1998
- Non-profit Organizations Act 71 of 1997
- Nursing Act 33 of 2005
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Pharmacy Act 53 of 1974
- Post Office Act 44 of 1958
- Prescription Act 68 of 1969
- Preferential Procurement Policy Framework Act 5 of 2000
- Prevention of Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organized Crime Act 121 of 1998
- Protected Disclosures Act 26 of 2000
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004
- Protection of Information Act 84 of 1982
- Promotion of Access to Information Act 2 of 2000
- Promotion of Administrative Justice Act 3 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protection of Businesses Act 99 of 1978
- Rental Housing Act 50 of 1999
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Sectional Titles Act 95 of 1986
- Securities Transfer Tax Act 25 of 2007

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- Sectional Titles Schemes Management Act 8 of 2011
- South African Reserve Bank Act 90 of 1989
- South African Revenue Services Act 34 of 1997
- Short Term Insurance Act 53 of 1998
- Skills Development Levies Act 9 of 1999
- Skills Development Act 97 of 1998
- Statistics Act 6 of 1999
- Trade Marks Act 194 of 1993
- Transfer Duty Act 40 of 1949
- Trust Property Control Act 57 of 1988
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax 89 of 1991

## **6. FORM OF REQUEST (section 51 (1) (e))**

Kindly complete Form C as annexed to this document for requesting information from the company.

For purposes of facilitating a request in terms of the Act, a description of the records and the categories in which these subjects are classified which are held by the company are detailed below:

It should be noted that the inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/ or categories will be made available under the Act. In particular, certain grounds for refusal as set out in the Act may be applicable to a request for such records.

### **6.1. Accounting Records**

- Annual financial statements and working papers
- General ledger
- Subsidiary ledgers (receivables, payables, etc.)
- Bank statements, cheque books, cheques
- Customer and supplier statements and invoices
- Deposit slips
- Cash books and petty cash books
- Fixed asset register
- Tax returns and assessments
- VAT returns
- Lease or instalment sale agreements
- Budgets and business plans
- Insurance records
- Investment records
- Auditor's reports
- Internal auditor's reports
- Compiler's reports
- Accounting officer's reports
- Reviewer's reports
- Inventory records (including stock take)

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- Systems documentation
- Management reviews
- Capital expenditure
- Credit agreements
- Record of assets
- Record of liabilities
- Record of loans to related parties
- Record of liabilities and obligations
- Record of property held
- Record of revenue
- Record of expenses

## **6.2. Auditors**

- Working Papers
- Correspondence

## **6.3. Credit Agreements**

- Debt councilor's documents
- Credit Provider's documents
- Credit Bureaus' documents
- Enquiries
- Details and results of disputes lodged with consumers
- Payment Profile
- Adverse information
- Debt restructuring
- Civil court judgements
- Administration orders
- Sequestrations
- Liquidations
- Rehabilitation orders

## **6.4. Fixed Property**

- Building plans
- Leases
- Mortgage bonds or other encumbrances
- Title deeds

## **6.5. Health and Safety**

- Register, record of earnings, time worked, payment and particulars of all employees
- Health and safety committee's records of each recommendation affecting the health of employees and reports made to the inspector
- Biological monitoring and medical surveillance records and results of biological tests for lead exposure of employees
- Dates of medical surveillance reports in respect of lead
- Details of air emission discharges

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- Details of aqueous discharges
- Details of solid waste discharges
- Emergency response plans
- Employee medical surveillance records in respect of hazardous chemicals and substances
- Employee public health emergency action plans
- Environmental impact assessments
- Environmental management programs and systems
- Industrial hygiene programs, data and audits
- Medical surveillance records related to asbestos work
- Medical surveillance records related to hazardous chemical substance
- Medical surveillance records related to noise-induced hearing loss ( including baseline audiogram of all employees)
- Permits, licenses, approvals and registrations for operations of sites and business
- Records of assessment and air monitoring and asbestos inventory
- Records of assessments and air monitoring for lead exposure
- Records of assessment and air monitoring for hazardous chemical substance
- Records of assessment and noise monitoring and noise-induced hearing loss
- Records of incident reported at work
- Records of investigations and tests in respect of hazardous chemicals and substances
- Records of risk assessments and monitoring results in respect of hazardous biological agents
- Records of training given to employees in respect of asbestos exposure
- Records of training given to employees in respect to lead exposure
- Records of types of work carried out with asbestos
- Records of types of work carried out with lead
- Records of waste water discharges
- Records of waste water storage and disposal
- Waste water assessment and monitoring records
- Records of work with lead prior to employment
- Records of medical surveillance, working hours and remuneration in respect of mine employees
- Safety management systems, data and audits
- Water quality monitoring program records

### **6.6. Information Technology**

- Agreements
- Audits
- Capacity and utilisation of current systems
- Client database
- Development of investment plans
- Disaster recovery
- Hardware
- Internet
- Intranet
- Licenses
- Systems, support, programming and development
- LAN installations

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- Operating systems
- Software packages
- Telephone exchange equipment
- Telephone lines, leased lines and data lines

### **6.7. Insurance**

- Claim records
- Details of coverage, limits and insurers
- Insurance policies

### **6.8. Intellectual Property**

- Agreements relating to intellectual property, e.g. license agreements, secrecy agreements, research and development agreements, agreements, joint development agreements and consulting agreements
- Copyrights
- Litigation and other disputes involving intellectual property
- Patents, patent applications and inventions
- Designs, trademarks, trade names and protected names

### **6.9. Legal, Agreements and Contracts**

- Acquisition or disposal documentation
- Agreements with contractors, suppliers and clients
- Agreements with customers
- Agreements with governmental agencies
- Agreements with shareholders, officers or directors
- Complaints, pleadings, briefs and other documents pertaining to actual, pending or threatened litigation, arbitration or investigation
- Distributor, dealer or agency agreements
- Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreement
- Material licenses, permits and authorisations
- Contracts, including lease agreements and finance agreements
- Restraint agreements
- Sale agreements
- Settlement agreements
- Warranty agreements
- Electronic communications – Personal information and the purpose for which the data was collected
- Electronic communications – Record of any third party to whom the information was disclosed
- Electronic communications – All personal data which has become obsolete
- Consumer Protection Act – disclosure by intermediary: information provided to a consumer
- Consumer Protection Act – disclosure by intermediary: conflict of interest
- Consumer Protection Act – disclosure by intermediary: record of advice and basis on which was given
- Consumer Protection Act – disclosure by intermediary: written instructions to consumer



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- Consumer Protection Act – disclosure by promotional competitions: full details, rules, etc.
- Consumer Protection Act – disclosure by auctions: written agreement containing terms and conditions

### **6.10. Personal Records**

- Acquisition or disposal documentation
- Agreements with contractors, suppliers and clients
- Agreements with customers
- Agreements with governmental agencies
- Agreements with shareholders, officers or directors
- Complaints, pleadings, briefs and other documents pertaining to actual, pending or threatened litigation, arbitration or investigation
- Distributor, dealer or agency agreements
- Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreement
- Material licenses, permits and authorisations
- Contracts, including lease agreements and finance agreements
- Restraint agreements
- Sale agreements
- Settlement agreements
- Warranty agreements
- Electronic communications – Personal information and the purpose for which the data was collected
- Electronic communications – Record of any third party to whom the information was disclosed
- Electronic communications – All personal data which has become obsolete
- Consumer Protection Act – disclosure by intermediary: information provided to a consumer
- Consumer Protection Act – disclosure by intermediary: conflict of interest
- Consumer Protection Act – disclosure by intermediary: record of advise and basis on which was given
- Consumer Protection Act – disclosure by intermediary: written instructions to consumer
- Consumer Protection Act – disclosure by promotional competitions: full details, rules, etc.
- Consumer Protection Act – disclosure by auctions: written agreement containing terms and conditions

### **6.11. Sales and Marketing**

- Brochures, newsletters and marketing material
- Customers
- Domestic and export orders
- Media releases
- Products
- Public relations policies and procedures
- Sales
- Service and product information

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## **6.12. Statutory Company Records**

- Annual Statutory Returns
- Certificate of change of name
- Certificate of incorporation
- Certificate to Commence Business
- Dividend register
- Director's attendance register
- Index of members
- Memorandum and Articles of Association or Incorporation and alterations / amendments
- Notice and minutes of shareholders' meetings
- Minutes of director's meetings
- Minutes of audit committee meetings
- Minutes of directors' committee meetings
- Other minute books
- Proxy documents
- Proxy forms used at Court convened meetings
- Register of Allotments
- Register of company secretary and auditors
- Register of debenture holders and mortgages
- Register of directors and officers
- Register of directors' shareholding
- Register of past directors
- Registration certificate
- Register of beneficial interest holders
- Reports presented at Annual General Meeting
- General resolutions
- Special resolutions
- Resolutions
- Rules
- Shareholders' agreements
- Shareholder's register
- Securities register / uncertificated securities register
- Written communication to holders of securities
- Cooperation agreements
- Founding statement and amendments
- Minute books
- Resolutions passed at meetings

## **6.13. Tax**

- Income Tax returns
- Provisional Tax returns
- Tax assessments
- Documents relating to where the objection and appeal is lodged
- Records relating to taxable gain or assessed capital loss
- VAT documents
- Records of importation goods and documents

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- Vendors information
- Documentary proof substantiating the zero rating of supplies

## **7. THE REQUEST PROCEDURES:**

### **7.1. Form of request section 51 (e):**

To facilitate the processing of your request, kindly:

Use the prescribed form (Form C –Annexure A to this document when a request is made to a private body or business), also available on the website of the South African Human Rights Commission (SAHRC) at [www.sahrc.org.za](http://www.sahrc.org.za) and submit this form together with a request fee, to the head of the private body.

The form must be addressed and submitted to the head of the private body at his/ her address, fax number, or electronic mail address

The form must:

1. Provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
2. Indicate which form of access is required,
3. Specify a postal address or fax number of the requester in the Republic,
4. Identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right,
5. If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
6. If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

## **8. SECTION 52 (2)**

Notice No notice has been published.

## **9. FEES: SECTION 54 AS AMENDED BY SECTION 110 OF ACT NO. 4 OF 2013**

The fees are as per Part 3 Chapter 3 of the Act.

1. A requester, who seeks access to a record containing personal information about that requester, is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required fee for request.
2. The COO must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.

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3. The requester may lodge an application with a court against the payment of the prescribed request fee. The fees are as per Part 3 Chapter 3 of the Act.
4. After the COO has made a decision on the request, the requester must be notified in the required form.
5. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure.

The forms and fee structure are available at the South African Human Rights Commission website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)).

### **10. INFORMATION OR RECORDS NOT FOUND**

If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the company shall notify the requester, by way of an affirmation or letter, that it is not possible to give access to the requested record.

The affirmation or letter shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the company with every person who conducted the search.

The notice, as set out above, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the company.

The attention of the requester is drawn to the provisions of Chapter 3 of Part 3 Section 56 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.

### **11. INFORMATION REQUESTED ABOUT A THIRD PARTY**

Section 71 of the Act makes provision for a request for information or records about a third party.

In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.

The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.

In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the company or by referring the matter to the High Court.

### **12. DECISION ON REQUEST**

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that the application is refused, the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a court against a refusal of the application, as well as the procedure (including the period) for lodging such an application.

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## **13. GROUNDS FOR REFUSAL – Part 3 Chapter 4**

The company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the company may refuse includes but is not limited to:

1. Protecting personal information that the company holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
2. Protecting commercial information that the company holds about a third party or the company (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the company or the third party;
3. If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
4. If disclosure of the record would endanger the life or physical safety of an individual;
5. If disclosure of the record would prejudice or impair the security of a building, structure or system, including, but not limited to, a computer or communication system, a means of transport; or any other property or;
6. Methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public, or any part of the public; or the security of property contemplated in the applicable subparagraphs
7. Disclosure of the record would put the company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition

## **14. AVAILABILITY OF THE MANUAL**

This manual is available for inspection as follows:

- In hard copy, to be viewed free of charge by appointment during office hours.
- For viewing online on the company website [www. Bader SA \(Pty\) Ltd.com](http://www.Bader SA (Pty) Ltd.com)
- Copies are available from the SAHRC

## **15. REFERENCES**

All Policies are stored in the following location: Bader Intranet , Bader Official Website

## **16. ENFORCEMENT**

An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. A violation of this policy by a temporary worker, contractor or vendor may result in the termination of their contract or assignment with Bader SA (Pty) Ltd.

**Annexure: PAIA Manual Form C Request for Access to Record of Private Body**